

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
CENTURY INDEMNITY COMPANY, :  
AS SUCCESSOR TO CCI INSURANCE :  
COMPANY, AS SUCCESSOR TO :  
INSURANCE COMPANY OF NORTH :  
AMERICA and THE CONTINENTAL :  
INSURANCE COMPANY, :

Plaintiffs, :

v. :

FREEPORT-MCMORAN COPPER & :  
GOLD INC., AS THE CLAIMED :  
SUCCESSOR TO PHELPS DODGE :  
CORPORATION, AS THE CLAIMED :  
SUCCESSOR TO CYPRUS AMAX :  
MINERALS COMPANY, AS THE :  
CLAIMED SUCCESSOR TO AMAX, :  
INC., AS SUCCESSOR TO AMERICAN :  
METAL CLIMAX, INC., :

Defendant. :

-----x  
08 Civ. 2012 (PKL)  
**MOTION TO ADMIT**  
**COUNSEL PRO HAC VICE**

J.D. Cirando,

2008 APR -4 PM 3:29

U.S. DISTRICT COURT  
FILED

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Lisa M. Cirando, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of

Applicant's Name: Mark J. Plumer  
Firm Name: Heller Ehrman LLP  
Address: 1717 Rhode Island Avenue, NW  
City/State/Zip: Washington, DC 20036  
Phone Number: 202.912.2021  
Fax Number: 202.912.2202  
Email: mark.plumer@hellerehrman.com

Mr. Plumer is a member in good standing of the bar of the State of Pennsylvania and the District of Columbia (see attached certificates of good standing at Exhibit A).

APR 04 2008

There are no pending disciplinary proceedings against Mr. Plumer in any State or Federal court.

Dated: April 4, 2008  
New York, New York

Respectfully Submitted,

---

Sponsor: Lisa M. Cirando

SDNY Bar: LC 1916  
Firm Name: Heller Ehrman LLP  
Address: Times Square Tower, 7 Times Square  
City/State/Zip: New York, New York 10036  
Phone Number: (212) 847-8761  
Fax Number: (212) 763-7600  
Email: lisa.cirando@hellerehrman.com

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CENTURY INDEMNITY COMPANY, AS SUCCESSOR TO CCI INSURANCE COMPANY, AS SUCCESSOR TO INSURANCE COMPANY OF NORTH AMERICA and THE CONTINENTAL INSURANCE COMPANY,	:	
Plaintiffs,	:	<b>AFFIDAVIT OF LISA M. CIRANDO IN SUPPORT OF MOTION TO ADMIT <u>COUNSEL PRO HAC VICE</u></b>
v.	:	
FREEPORT-MCMORAN COPPER & GOLD INC., AS THE CLAIMED SUCCESSOR TO PHELPS DODGE CORPORATION, AS THE CLAIMED SUCCESSOR TO CYPRUS AMAX MINERALS COMPANY, AS THE CLAIMED SUCCESSOR TO AMAX, INC., AS SUCCESSOR TO AMERICAN METAL CLIMAX, INC.,	:	
Defendant.	:	

State of New York )  
                       )  
County of New York)

Lisa M. Cirando, being duly sworn, hereby deposes and says:

1. I am an attorney with the law firm of Heller Ehrman LLP, counsel for defendants Freeport-McMoRan Copper & Gold Inc., Phelps Dodge Corporation and Cyprus Amax Minerals Company in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit Mark J. Plumer as counsel *pro hac vice* to represent Defendant in this matter.
  2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in February 1997. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Mark J. Plumer since 2006.
4. Mr. Plumer is a shareholder with the law firm of Heller Ehrman LLP, Washington, D.C. Mr. Plumer is admitted to the bar of the state of Pennsylvania and the District of Columbia. Certificates of Mr. Plumer's good standing, issued within the last 30 days, are attached hereto as Exhibit A.
5. Mr. Plumer is a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move for the admission of Mark J. Plumer, *pro hac vice*.
7. I respectfully submit a proposed order granting the admission of Mark J. Plumer, *pro hac vice*, which is attached hereto as Exhibit B.

WHEREFORE it is respectfully requested that the motion to admit Mark J. Plumer, *pro hac vice*, to represent Defendant in the above captioned matter, be granted.

Dated: April 4, 2008

Respectfully submitted,

---

Lisa M. Cirando (LC 1916)

HELLER EHRLMAN LLP  
7 Times Square  
New York, New York 10036  
(212) 832-8300  
Fax: (212) 763-7600  
[Lisa.Cirando@hellerehrman.com](mailto:Lisa.Cirando@hellerehrman.com)

Sworn to before me this 4<sup>th</sup> day of April, 2008

  
\_\_\_\_\_  
Notary Public

Joseph W. Farrell  
Executive Director

Suzanne E. Price  
Attorney Registrar



Tel: (717) 731-7073  
Fax: (717) 731-7080  
[www.padboard.org](http://www.padboard.org)

**THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA**

Two Lemoyne Drive, 1<sup>st</sup> Floor  
Lemoyne, PA 17043

**CERTIFICATION OF INACTIVE STATUS**

*In lieu of Certificate of Good Standing*

*For*

**MARK JAY PLUMER**

*PA Bar Number 48596*

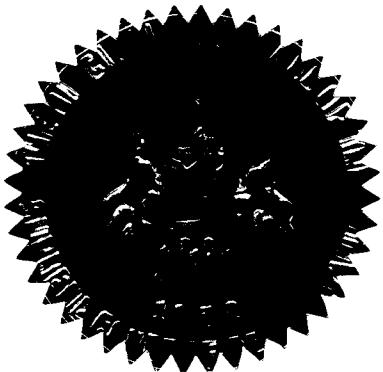
I, Suzanne E. Price, as the Attorney Registrar for the Disciplinary Board of the Supreme Court of Pennsylvania, hereby confirm that Mark Jay Plumer was admitted as an Attorney by the Supreme Court of Pennsylvania to the bar of the courts of the Commonwealth of Pennsylvania on January 20, 1987.

Mr. Plumer is currently registered as "Voluntarily Inactive", having assumed said status as of July 1, 1993.

Dated this 19<sup>th</sup> day of March, 2008

By:

Suzanne E. Price  
Suzanne E. Price  
Attorney Registrar





District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D.C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia  
Court of Appeals, do hereby certify that

MARK J. PLUMER

---

was on the 24<sup>TH</sup> day of FEBRUARY, 1988

duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on March  
19, 2008.

GARLAND PINKSTON, JR., CLERK

By: Mark Pinkston  
Deputy Clerk

OFFICE OF BAR COUNSEL

CERTIFICATE CONCERNING DISCIPLINE AND/OR  
ADMINISTRATIVE SUSPENSION

*Serving the District  
of Columbia Court  
of Appeals and its Board  
on Professional  
Responsibility*

*Wallace E. Shipp, Jr.  
Bar Counsel*

*Deputy Bar Counsel  
Elizabeth A. Herman*

*Senior Assistant Bar Counsel  
Julia L. Porter  
Judith Hetherton*

*Assistant Bar Counsel  
Joseph N. Bowman  
Ross T. Dicker  
Gayle Marie Brown Driver  
Catherine L. Kello  
Becky Neal  
William Ross  
H. Clay Smith, III  
Traci M. Tait*

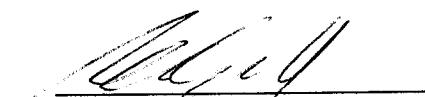
*Staff Attorney  
Lawrence K. Bloom  
Sara Bromberg  
Dolores Dorsainvil*

**DCBAR**

The undersigned is Bar Counsel for the District of Columbia Bar, having been appointed by the Board on Professional Responsibility ("Board") pursuant to Rule XI, § 4(e)(2), of the Rules of the District of Columbia Court of Appeals Governing the Bar. As such, this office is the custodian of the records of the Board and has access to the membership records of the unified District of Columbia Bar.

On February 24, 1988, Mark J. Plumer was admitted to practice in the District of Columbia and currently is an active member in good standing of the Bar.

No discipline has been imposed upon this attorney nor has Bar Counsel filed a petition seeking discipline against this attorney. No complaint has been filed, upon which basis, this attorney has been required to respond to a formal investigation by Bar Counsel.



\_\_\_\_\_  
Wallace E. Shipp, Jr.  
Bar Counsel

Dated: March 21, 2008  
WES:snl

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CENTURY INDEMNITY COMPANY, AS SUCCESSOR TO CCI INSURANCE COMPANY, AS SUCCESSOR TO INSURANCE COMPANY OF NORTH AMERICA and THE CONTINENTAL INSURANCE COMPANY,	:	08 Civ. 2012 (PKL)
Plaintiffs,	:	<b>ORDER FOR ADMISSION <i>PRO HAC VICE</i> <u>ON WRITTEN MOTION</u></b>
v.	:	
FREEPORT-MCMORAN COPPER & GOLD INC., AS THE CLAIMED SUCCESSOR TO PHELPS DODGE CORPORATION, AS THE CLAIMED SUCCESSOR TO CYPRUS AMAX MINERALS COMPANY, AS THE CLAIMED SUCCESSOR TO AMAX, INC., AS SUCCESSOR TO AMERICAN METAL CLIMAX, INC.,	:	
Defendant.	:	

Upon the motion of Lisa M. Cirando, attorney for defendants Freeport-McMoran Copper & Gold, Inc., Phelps Dodge Corporation and Cyprus Amax Minerals Company in the above-captioned case,

**IT IS HEREBY ORDERED** that

Applicant's Name: Mark J. Plumer  
Firm Name: Heller Ehrman LLP  
Address: 1717 Rhode Island Avenue, NW  
City/State/Zip: Washington, DC 20036  
Phone Number: (202) 912-2021  
Fax Number: (202) 912-2202  
Email Address: mark.plumer@hellerehrman.com

is admitted to practice *pro hac vice* as counsel for defendants Freeport-McMoran Copper & Gold, Inc., Phelps Dodge Corporation and Cyprus Amax Minerals Company in the

above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: \_\_\_\_\_, 2008  
New York, New York

**SO ORDERED:**

---

Hon. Peter K. Leisure  
United States District Court

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
CENTURY INDEMNITY COMPANY, :  
AS SUCCESSOR TO CCI INSURANCE :  
COMPANY, AS SUCCESSOR TO : 08 Civ. 2012 (PKL)  
INSURANCE COMPANY OF NORTH :  
AMERICA and THE CONTINENTAL :  
INSURANCE COMPANY, :  
Plaintiffs, :  
v. :  
FREEPORT-MCMORAN COPPER & :  
GOLD INC., AS THE CLAIMED :  
SUCCESSOR TO PHELPS DODGE :  
CORPORATION, AS THE CLAIMED :  
SUCCESSOR TO CYPRUS AMAX :  
MINERALS COMPANY, AS THE :  
CLAIMED SUCCESSOR TO AMAX, :  
INC., AS SUCCESSOR TO AMERICAN :  
METAL CLIMAX, INC., :  
Defendant. :  
-----x

I, Ryan Larson, hereby declare under penalty of perjury, on the 4 day of April 2008, I caused true and correct copies of defendant's Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, and Cyprus AMAX Minerals Company (1) Motion to Admit Counsel *Pro Hac Vice*, (2) Affidavit of Lisa M. Cirando in Support of Motion to Admit Counsel *Pro Hac Vice* with Certificate of Good Standing attached, and (3) Proposed Order for Admission *Pro Hac Vice* on Written Motion in the above captioned case to be served on plaintiffs Century Indemnity Company's and The Continental Insurance Company's counsel listed below by Federal Express:

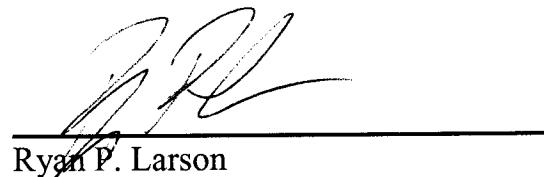
Shane R. Heskin, Esq.  
White and Williams LLP  
1800 One Liberty Place  
Philadelphia, Pennsylvania 19103  
(215) 864-7000

Attorneys for Plaintiff Century Indemnity Company

Alan P. Jacobus, Esq.  
Carroll Burdnick & McDonough LLP  
44 Montgomery Street  
San Francisco, California 94104  
(415) 989-1900

Attorneys for Plaintiff The Continental Insurance Company

Dated: New York, New York  
April 4, 2008



---

Ryan P. Larson